

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JENNIFER CHAFFEE,

Plaintiff,

5:22-cv-1077 (BKS/ML)

v.

SYRACUSE CITY SCHOOL DIST; and
FRANKLIN ELEMENTARY SCHOOL,

Defendants.

Appearances:

Plaintiff pro se
Jennifer Chaffee
Syracuse, NY 13209

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Jennifer Chaffee commenced this proceeding under 42 U.S.C. § 1983, and sought leave to proceed *in forma pauperis* (“IFP”). (Dkt. Nos. 1, 2, 8). This matter was referred to United States Magistrate Judge Miroslav Lovric who, on April 3, 2023, granted Plaintiff’s application to proceed IFP, and on September 15, 2023 issued a Report-Recommendation, recommending that Plaintiff’s complaint be dismissed with leave to replead. (Dkt. No. 9, 12). Plaintiff was informed that she had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 12, at 8–9). The Report-Recommendation was sent to Plaintiff’s last known address but returned to the Court as “Not Deliverable as Addressed.” (Dkt. No. 13). On November 7, 2023, the Court issued an Order giving Plaintiff an additional fourteen days to file her current address and objections, if any, to the Report-

Recommendation. (Dkt. No. 14). The Order was sent to Plaintiff's last known address via regular mail. No objections to the Report-Recommendation have been filed.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Having reviewed the Report-Recommendation for clear error and found none, the Court adopts Magistrate Judge Lovric's recommendation that the Complaint be dismissed. Here, Plaintiff names the Syracuse City School District and Franklin Elementary School as defendants. (Dkt. No. 1). To state a claim against a school district under 42 U.S.C. § 1983, a plaintiff must allege "that 'action pursuant to official municipal policy' caused their injury." *Connick v. Thompson*, 563 U.S. 51, 60-61 (2011) (quoting *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 691 (1978)); *Frank v. Sachem Sch. Dist.*, 84 F. Supp. 3d 172, 193 (E.D.N.Y. 2015) ("[S]chool districts . . . are considered to be local governments and are subject to the same standards of liability as local governments under *Monell*."). The Complaint fails to identify any official policy, practice or custom of the school district that violated Plaintiff's constitutional rights and therefore fails to state a plausible claim for relief under § 1983. Further, Plaintiff fails to name any individual defendants or allege their personal involvement in violating her constitutional rights as required to state a claim under § 1983. *See Wright v. Smith*, 21 F.3d 496, 501 (2d Cir. 1994) ("Personal involvement of defendants in alleged constitutional deprivations is a prerequisite to an award of damages under [Section] 1983.").

For these reasons, it is hereby

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 12) is

ADOPTED; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) be DISMISSED with leave to replead; and it is further

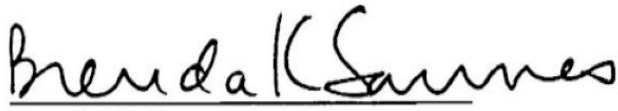
ORDERED that any amended complaint must be filed **within thirty (30) days** of the date of this Order. Any amended complaint must be a complete pleading which will replace the current complaint in total; and it is further

ORDERED that if Plaintiff files a timely amended complaint, it shall be referred to Magistrate Judge Lovric for review; and if Plaintiff fails to file a timely amended complaint, the Clerk is directed to close this case; and it is further

ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: December 13, 2023
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge